

REMARKS

Applicants have amended the specification to comply with the provisions of 35 U.S.C. § 120. As such, these amendments do not constitute new matter and their entry is respectfully requested.

Applicants have rewritten claims 12 through 14 in method form. These claims are supported throughout the specification, see particularly pages 16 – 19 and the examples. As such these amendments do not constitute new matter.

In parent application U.S.S.N. 10/031,929, certain rejections of claims 12 – 14 were made. Although those claims specified that the specified use of the claimed antifungal agent was “a therapeutic agent for onychomycosis” because they were compound claims, this intended use did not effect the Examiner’s citation of art against those claims. Applicants respectfully submit that none of the references cited therein are applicable to the present method claims. Indeed, the Examiner implicitly acknowledges this at page 3 of the Office Action (mailed July 18, 2003 in the parent application), stating:

Even though the antifungal/fungicidal composition taught in the examiner-cited prior art do not refer to “therapeutic agent for onychomycosis”, to artisan of ordinary skill the claims remain anticipated by the examiner-cited art because the functional intended use of a composition does not materially change a composition and is accordingly, not given any patentable weight.

Here, however, the claims are directed to methods for treating such conditions and the failure of the Examiner-cited prior art to suggest such a method does result in patentability.

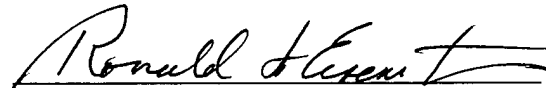
In re application of: Tatsumi et al.
Application No: TBA (divisional of 10/031,929)
Preliminary Amendment dated October 14, 2003

Group No.: TBA (1651)
Examiner: TBA (Srivastava, K.)

Accordingly, Applicants respectfully submit that the present claims are in condition for allowance. Early and favorable action is requested.

Respectfully submitted,

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